

REMARKS

Claims 1-17, 19-23 and 33-38 are all the claims pending in the application. Claims 19-23 were withdrawn from consideration pursuant to a restriction requirement.

Applicant thanks the Examiner for acknowledging the Amendment and Response to Election/Restriction Requirement dated February 28, 2006, and the Information Disclosure Statement filed October 16, 2003.

Interview Request

If after reviewing the following remarks, the Examiner is not prepared to withdraw the § 112 rejection, then Applicant's undersigned representative hereby requests a personal interview with the Examiner in charge of this Application prior to the Examiner taking further action on this case. The Examiner is asked to please contact Applicant's representative at (202) 220-4209 to arrange a time.

Claim Rejections - 35 U.S.C. § 112

Claims 1-17, 33-38 are rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification.

Following the Restriction Requirement dated January 31, 2006 and subsequent election dated February 28, 2006, the only independent claim currently undergoing examination is Claim 1. Claim 1, as amended February 28, 2006, recites:

An electrochemical battery comprising:

a stack of bipolar wafer cells electrically connected in series, each cell having an area to expand in response to pressure generated within the respective cell, the expandable area of each cell being aligned with a corresponding expandable area of at least one adjacent cell;

a pressure sensor responsive to a force transmitted through the stack via the expandable areas of the cells, the force to be created by pressure generated in at least one cell in the stack of bipolar cells.

The Examiner contends that "the disclosure provides no teaching or enablement to demonstrate what the tab area is made of and what is the dimensional requirements of the tab"

and that “[t]here is no evidence on the record that shows what kind of pressure-sensitive material is used, what the expansion force this tab area would generate in response to pressure, and what the expansion in the thickness direction is required to trigger the pressure sensor.” Office Action of April 4, 2006.

Applicant respectfully submits that the Examiner has mischaracterized the specification and the claimed invention. The claimed invention is enabled, and multiple examples are provided with sufficient detail that one ordinary skill in the art, upon reading the present application, would readily be able to reduce the claimed invention to practice.

For example, paragraph 0036 of the specification describes the use of tabs with reference to FIG. 1:

The outer plastic lamination layers 104 and 105 may further incorporate tab extensions 130 and 131, respectively. **The tab extensions 130 and/or 131 may be extensions of the cell envelope** that may be fabricated into each cell in the stack of cells.

The manufacture and use of cell envelopes is known in the art. See, for example, U.S. Patent Nos. 5,393,617, 5,552,243, and 6,503,658, incorporated by reference in paragraph 0044..

In addition, referring to the examples in FIGS. 1 and 11, specific examples of the cell envelope are disclosed. The active portions of each cell are sandwiched bonded laminations of plastic film 104, 105, 1110, 1111. Examples of construction of such laminated films are described, among other places, in paragraph 0035 and in incorporated U.S. Patent 6,503,658 (as expressly noted in paragraph 0045).

The “area to expand” may include a spacer between the laminations of the cell envelope. *See, e.g.*, paragraphs 0036, 0045, and 0061. Although there are no “dimensional requirements” for the “area to expand”, the disclosure includes specific examples having dimensions. *See, e.g.*, paras. 0045, 0046 and 0060.

Adjusting the sensitivity of a pressure sensor to set a desired trigger threshold is a matter of routine. For example, as noted in paragraph 0046 in an example using a spring-loaded switch mechanism, the switch is adjusted to respond to 10 PSI of gas pressure within a cell, corresponding to 2.5 pounds of force generated by the pressure tab. Adjusting sensitivity is likewise routine if the pressure sensor is a strain gauge. *See, e.g.*, paragraphs 0050-0052.

As shown above, the specification provides several examples of materials and configurations that demonstrate the construction of the "area to expand." One of skill in the art would therefore be able to make and/or use the claimed invention without undue experimentation.

For at least the reasons given above, reconsideration and withdrawal of the § 112 rejection is requested.

Applicant authorizes the Commissioner to charge any fees determined to be due with the exception of the issue fee and to credit any overpayment to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4209 to discuss any matter concerning this application.

Respectfully submitted,
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